

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3020 of 2018**

1. Jeevan Das S/o Late Shri Ramchandra Das Aged About 56 Years
R/o Village Ravindra Nagar, Tahsil Surajpur, District Surajpur
Chhattisgarh.

---- Petitioner**Versus**

1. Smt. Savitri Mandal W/o Late Subal Mandal Aged About 70
Years
2. Sushil Mandal S/o Late Subal Mandal Aged About 46 Years
3. Manmat Mandal S/o Late Subal Mandal Aged About 43 Years

All R/o Village Pakhanjur, District Bastar Chhattisgarh, At
Present- Village Sanjay Nagar, Post Ravindranagar, Police
Station Jainagar, Tahsil And District Surajpur Chhattisgarh.
4. State Of Chhattisgarh Through The Collector, Surajpur, District
Surajpur Chhattisgarh.
5. The Sub Divisional Officer Surajpur, District Surajpur
Chhattisgarh.
6. The Commissioner Surguja Division, Ambikapur, District
Surguja Chhattisgarh.
7. The Board Of Revenue Bilaspur Chhattisgarh, Through The
Chairman
8. The Station House Officer Of Police Station Jainagar District
Surajpur Chhattisgarh.

Respondents

For Petitioner	Shri Ashok Kumar Shukla, Advocate
For Respondents 1 to 3	Shri V.K. Pandey, Advocate
For Respondent/State	Ms Astha Shukla, Panel Lawyer

Order On Board**By****Prashant Kumar Mishra, J.**

29/10/2018

1. The contest between the parties in relation to the right and entitlement to mutate their name over the subject property revolves around the WILL dated 2-9-1993, which was said to be executed by Subal Mandal, S/o Mahanand Mandal in favour of the present petitioner.
2. The genuineness, validity and enforceability of the WILL has to be established in a Civil Court, therefore, the petitioner may prefer a duly constituted Civil Suit within a period of three months from today along with an application for grant of temporary injunction.
3. Both the parties are claiming themselves to be in possession of suit property, therefore, it is directed that the parties shall maintain *status quo*, in respect of the property in dispute, as it exists today. This order shall remain subject to the order passed by the Civil Court on an application filed by the petitioner under Order 39 Rule 1 & 2 of the Code of Civil Procedure, 1908. In any case this order shall loose its efficacy after a period of three months from today.
4. The Civil Court shall decide the application under Order 39 Rule 1 & 2, on its own merits, without being influenced by the present order of *status quo*.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Gowri